

Rejections under 35 U.S.C. 103(a)

Claims 66 to 96 stand rejected as being unpatentable over Lee in view of Reber. Applicants respectfully traverse.

The evidence of record fails to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all the limitations of the claims. See *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Claims 66 to 96 recite a microparticle with a thickness of 0.1 μm to 5 μm and with digitally-coded information etched through the microparticle as a pattern of holes. Neither Lee nor Reber teaches or suggests such a microparticle.

Lee discloses a semiconductor chip with identification data etched onto the chip as a pattern of contact holes. While the contact holes occupy “only a relatively small area” of the chip, that area is as large as, if not larger than, applicants’ claimed microparticle (*see* Lee, column 3, lines 22-29). Whereas applicants’ claimed microparticle has holes etched through the microparticle, Lee’s semiconductor chip has contact holes. Contact holes do not extend through the thickness of the chip.

Reber does not overcome the deficiencies of Lee. Reber discloses a semiconductor chip about 20 mils thick and 3 to 4 inches in diameter (*see* column 3, lines 20-24). The evidence of record fails to show that persons skilled in the art would equate such chip with a microparticle.

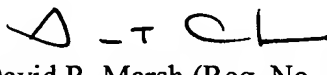
Based on the foregoing remarks, as well as the remarks presented in the Amendment and Response filed on June 23, 2005, applicants respectfully request withdrawal of these rejections.

CONCLUSIONS

In view of the foregoing remarks, applicants respectfully request reconsideration and withdrawal of the outstanding rejections and timely allowance of the pending claims. If the Examiner believes that a telephone conference would be useful in resolving any outstanding issues, he is invited to call the applicants' undersigned representative at (202) 942-5849.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 17893.006.

Respectfully submitted,


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